

AMENDED IN ASSEMBLY JUNE 20, 2011

SENATE BILL

No. 50

Introduced by ~~Senator Correa~~ *Senators Correa and Blakeslee*

December 15, 2010

An act to amend Section ~~87200~~ of ~~86203~~ of, and to add Section 89504 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Correa. ~~Conflicts of interest: disqualification. Lobbyist employers: gifts.~~

Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests. Existing law further requires public officials who hold specified offices and who have a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse themselves from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.

This bill would add members of the High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.

The Political Reform Act of 1974 regulates the receipt of gifts by public officials and also regulates the activities of members of the lobbying industry, including lobbyist employers. Under existing law, public officials are prohibited from accepting gifts from any single source in any calendar year with a total value of more than \$250, as adjusted biennially by the Fair Political Practices Commission. Existing law also prohibits a lobbyist or lobbying firm from giving gifts to a public official aggregating more than \$10 in a calendar month or from acting as an agent or intermediary in the making of any gift or arranging for the making of any gift by any other person.

This bill would prohibit a lobbyist, lobbying firm, or lobbyist employer from giving to an elected state officer or a member of that officer's immediate family, and would prohibit an elected state officer from accepting from a lobbyist, lobbying firm, or lobbyist employer, certain gifts, including tickets to specified venues and events, spa treatments, recreational trips, and gift cards. However, under the bill, these prohibitions would not apply to a fundraising event for a bona fide charitable organization.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties. This bill would impose a state-mandated local program by ~~exposing these members to potential criminal penalties for failing to make the disclosures and recuse themselves where required by this bill~~ *creating additional crimes.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 87200 of the Government Code is~~
2 ~~amended to read:~~

~~87200. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.~~

SECTION 1. Section 86203 of the Government Code is amended to read:

86203. (a) ~~It shall be~~ *is* unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

(b) (1) *It is unlawful for a lobbyist, lobbying firm, or lobbyist employer to give to an elected state officer or to a member of that officer's immediate family, from the date the officer is elected to the date he or she vacates office, any of the following gifts:*

- (A) *A theme park or amusement park ticket.*
- (B) *A professional sporting event ticket.*
- (C) *A collegiate or other amateur sporting event ticket with a face value exceeding twenty-five dollars (\$25).*
- (D) *A theater, concert, or other entertainment ticket with a face value exceeding twenty-five dollars (\$25).*
- (E) *A racetrack ticket.*
- (F) *A spa treatment, or other beauty or cosmetic service.*
- (G) *A golf, skiing, hunting, or fishing trip, or other recreational outing or vacation.*
- (H) *A gift card.*

(2) *The prohibitions in this subdivision do not apply to a fundraising event for a bona fide charitable organization.*

(3) *Beginning on January 1, 2015, the Commission shall adjust the gift limitations in subparagraphs (C) and (D) of paragraph*

1 (1) on January 1 of each odd-numbered year to reflect changes in
2 the Consumer Price Index, rounded to the nearest dollar.

3 SEC. 2. Section 89504 is added to the Government Code, to
4 read:

5 89504. (a) An elected state officer, from the date the officer
6 is elected to the date he or she vacates office, shall not accept as
7 a gift from a lobbyist, lobbying firm, or lobbyist employer any of
8 the following:

9 (1) A theme park or amusement park ticket.

10 (2) A professional sporting event ticket.

11 (3) A collegiate or other amateur sporting event ticket with a
12 face value exceeding twenty-five dollars (\$25).

13 (4) A theater, concert, or other entertainment ticket with a face
14 value exceeding twenty-five dollars (\$25).

15 (5) A racetrack ticket.

16 (6) A spa treatment, or other beauty or cosmetic service.

17 (7) A golf, skiing, hunting, or fishing trip, or other recreational
18 outing or vacation.

19 (8) A gift card.

20 (b) The prohibitions in this section do not apply to a fundraising
21 event for a bona fide charitable organization.

22 (c) Beginning on January 1, 2015, the Commission shall adjust
23 the gift limitations in paragraphs (3) and (4) of subdivision (a) on
24 January 1 of each odd-numbered year to reflect changes in the
25 Consumer Price Index, rounded to the nearest dollar.

26 (d) For purposes of this section, “gift” has the same meaning
27 as set forth in Section 86201.

28 ~~SEC. 2.~~

29 SEC. 3. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

38 ~~SEC. 3.~~

39 SEC. 4. The Legislature finds and declares that this bill furthers
40 the purposes of the Political Reform Act of 1974 within the

1 meaning of subdivision (a) of Section 81012 of the Government
2 Code.

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